

## FACT SHEET —~~INTERNAL ONLY~~

Environmental Stewardship Initiatives for  
VF300 Fence Construction along the Southwest Border  
U.S. Border Patrol El Paso Sector  
August 2010



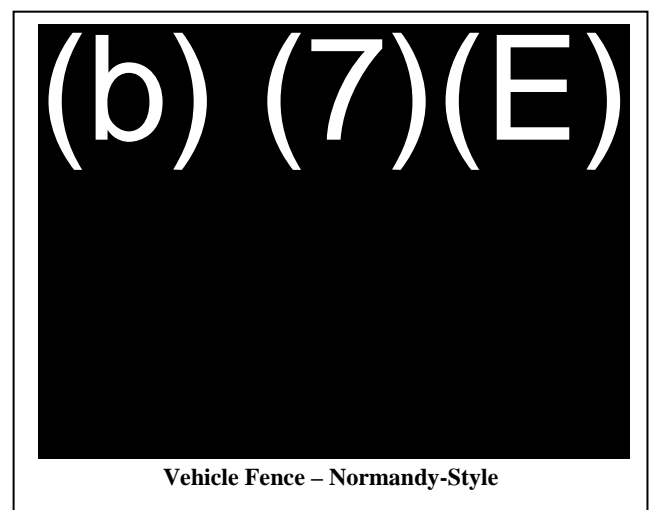
U.S. Customs and  
Border Protection

*The following is a summary of the environmental stewardship initiatives undertaken by U.S. Customs and Border Protection (CBP) during the planning, construction, and post-construction stages associated with installing tactical infrastructure (TI) along the U.S./Mexico International Border in the U.S. Border Patrol (USBP) El Paso Sector for TI sections (b) (7)(E). TI is a term used by the USBP to describe the physical structures that facilitate enforcement activities. These items typically include, but are not limited to, roads, vehicle and pedestrian fences, lights, gates, and boat ramps. TI constructed under CBP's Secure Border Initiative (SBI) Vehicle Fence 300 (VF300) Program within the El Paso Sector consisted of vehicle fence and construction/maintenance roads along the U.S./Mexico International Border in Hidalgo, Luna, and Doña Ana counties, New Mexico. Temporary construction staging areas and access roads were also required to build the TI. This Fact Sheet provides the environmental impacts anticipated during pre-construction planning and those actually encountered during and following construction. In addition, it describes stakeholder outreach efforts that were carried out during all phases of the project, contributing partners, and any continuing issues.*

On April 1, 2008, the Secretary of the U.S. Department of Homeland Security (DHS), pursuant to Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended, exercised the waiver authority and waived certain environmental and other laws in order to ensure the expeditious construction of TI along the U.S./Mexico International Border. The TI described in this Fact Sheet is covered by the Secretary's April 1, 2008, waiver. Although the Secretary's waiver means that CBP no longer has any specific legal obligations under the laws that are included in the waiver, the Secretary has committed DHS to responsible environmental stewardship of our valuable natural and cultural resources. CBP strongly supports the Secretary's commitment to responsible environmental stewardship. To that end, CBP prepared a pre-construction Environmental Stewardship Plan (ESP), which analyzed the potential environmental impacts associated with construction of TI. Following construction, CBP prepared an Environmental Stewardship Summary Report (ESSR), which compared the final completed action to the original planned for installation of TI.

The following is a summary of CBP's environmental stewardship efforts.

- CBP carried out environmental stewardship efforts before, during, and after construction.
- Environmental impacts that resulted from this project were positive and negative.
- Best Management Practices (BMPs) were developed and carried out to minimize negative environmental impacts.
- Stakeholder public outreach was conducted during all phases of the project. Some of the stakeholder input resulted in changes to the project.
- CBP participated in interagency and intergovernmental coordination activities to help minimize potential environmental impacts and streamline environmental processes. Some of the input also resulted in changes to the project, such as the locations of construction access roads and the actual fence design.



After construction within these sections of the USBP El Paso Sector, the following were determined:

- No impacts on cultural resources occurred.
- Approximately (b) (7)(E) acres of soil were disturbed.

- Approximately (b) (7)(E) acres of wetlands were filled with rip-rap during construction. Dozens of ephemeral streams were identified prior to construction and monitored during construction to ensure that adverse impacts did not occur.
- Three federally listed animal species were adversely impacted. There were no impacts on federally listed plant species, critical habitats of federally listed plants, or critical habitats of federally listed animals.

## **ENVIRONMENTAL STEWARDSHIP COMPONENTS**

CBP carried out environmental stewardship initiatives during all phases of the project, before, during, and after construction. Each component is discussed in the following paragraphs.

### **PRE-CONSTRUCTION**

**Environmental Stewardship Plans** – In 2008, prior to construction, CBP developed three ESPs for these VF300 sections in the USBP El Paso Sector.

- December 2008 – *Environmental Stewardship Plan for the Construction, Operation, and Maintenance of Tactical Infrastructure, Segments HV-1 through HV-3 U.S. Border Patrol El Paso Sector, Lordsburg Station, New Mexico.*
- December 2008 – *Environmental Stewardship Plan for the Construction, Operation, and Maintenance of Tactical Infrastructure, Segment HV-4 U.S. Border Patrol El Paso Sector, Lordsburg Station, New Mexico.*
- December 2008 – *Environmental Stewardship Plan for the Construction, Operation, and Maintenance of Tactical Infrastructure, Segments JV-1 through JV-3 U.S. Border Patrol El Paso Sector, Santa Teresa Station, New Mexico.*

These three ESPs discuss the unique biological, geographical, and environmental conditions associated with the areas proposed for TI and include BMPs designed to reduce and offset potential environmental impacts. The ESPs are available to the public and are online at [http://cbp.gov/xp/cgov/border\\_security/ti/ti\\_docs/](http://cbp.gov/xp/cgov/border_security/ti/ti_docs/).

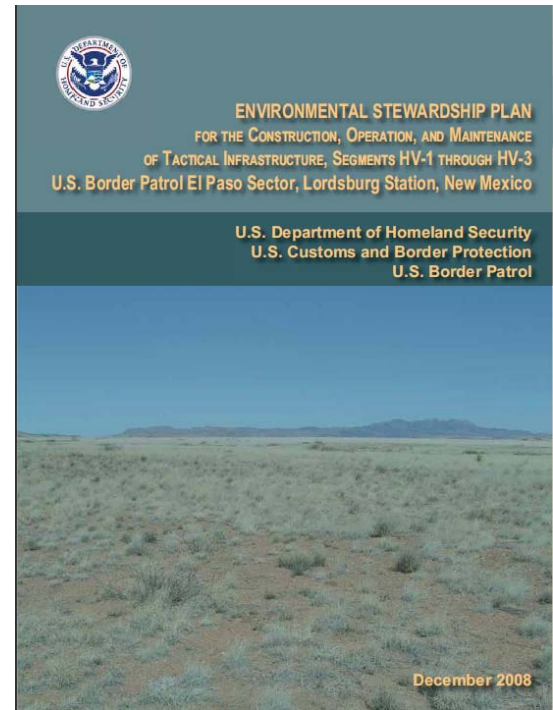
**Biological Resources Field Surveys and Plans** – CBP carried out pre-construction surveys to identify existing vegetation and wildlife within the area of the proposed fence and construction/maintenance road corridor, construction staging areas, and construction access roads. Subsequently, a BRP was developed in coordination with the U.S. Fish and Wildlife Service (USFWS) to summarize findings and incorporate them into the ESPs.

- December 2008 – *Biological Resources Plan for Construction, Operation, and Maintenance of Tactical Infrastructure for El Paso Sector, New Mexico, Lordsburg Station.*

Special attention was paid to identifying federally listed species and critical habitats of federally listed species within the project area.

**Estimated Footprint** – It was estimated prior to construction that approximately (b) (7)(E) acres of land would be permanently disturbed from the installation of TI in the USBP El Paso Sector.

Examples of potential environmental impacts and the BMPs and mitigation measures used to minimize these impacts are listed in **Table 1**. Not all anticipated environmental impacts were adverse; in fact, some were positive. CBP predicted that the installation of TI would reduce the amount of smuggling and illegal immigration, which would have a beneficial effect on national security and socioeconomics. The reduction in illegal cross-border activity would reduce vehicle traffic in sensitive habits and would benefit threatened and endangered species and their habitats.

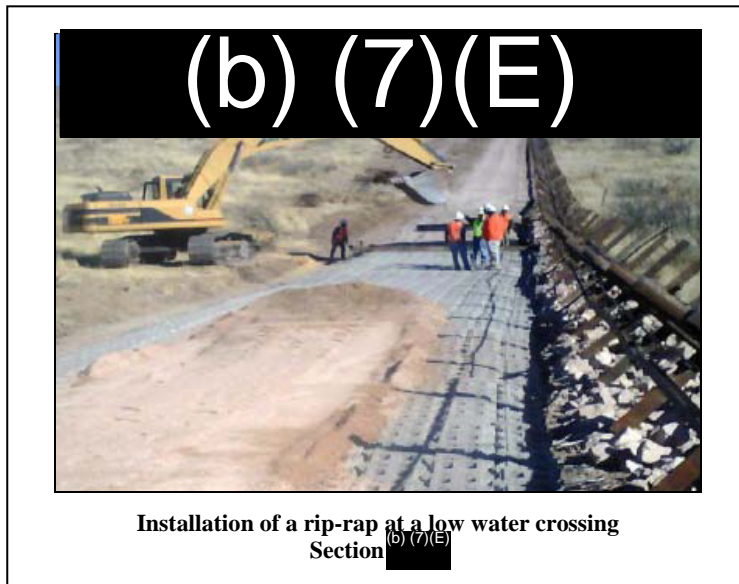


**Table 1. Potential Environmental Impacts and BMPs/Mitigation Measures Identified Prior to Construction**

Potential Environmental Impact (Cultural, Species, Wetlands)	BMPs and Mitigation Measures to Reduce or Eliminate the Potential Environmental Impact
Discovery of cultural resources in work area	<ul style="list-style-type: none"> <li>Design TI in conjunction with New Mexico State Historic Preservation Office</li> <li>Place temporary fencing around International Boundary Monuments and other known cultural resources</li> </ul>
Discovery of federally protected species in work area	<ul style="list-style-type: none"> <li>Halt construction until an environmental monitor can safely remove the protected species or it moves away on its own</li> </ul>
Wildlife impacts due to construction	<ul style="list-style-type: none"> <li>Check open holes each morning to ensure that wildlife did not fall in and become trapped</li> </ul>
Introduction of invasive species	<ul style="list-style-type: none"> <li>Wash equipment prior to use to minimize introduction of nonnative species</li> <li>Remove only the minimum amount of natural vegetation</li> <li>Remove invasive species that appear</li> </ul>
Change in size of wetlands and surface waters	<ul style="list-style-type: none"> <li>Halt construction during heavy rains</li> <li>Establish and follow a Storm Water Pollution Prevention Plan</li> </ul>

#### **DURING CONSTRUCTION**

CBP contracted independent environmental monitors (i.e., for biological and cultural resources) to be present during all construction activities. Their responsibilities included documenting adherence to the BMPs prescribed in the ESPs, identifying environmental impacts that occurred beyond those predicted in the ESPs, and ensuring that federally listed species and cultural resources were not impacted by the TI construction activities. CBP's environmental monitors worked during all construction activities, which occurred from October 2008 to February 2009.



The environmental monitors reported that most BMPs prescribed in the ESPs were followed; see **Table 1** for examples of BMPs. However, some deviations did occasionally occur, including the following:

- Lack of flagging on some construction access roads
- Unnecessary off-road driving
- Unnecessary widening of some existing roadbeds
- Lack of drip pans underneath equipment
- Improperly managed trash
- Some lights and equipment not having anti-bird-perching devices.

No known impacts on federally listed species were documented as a result of these BMP infractions.

Unexpected field conditions during construction occasionally required practical changes to the plan for placement and design of the TI. In these situations, CBP conducted additional environmental surveys and analyses to determine the potential environmental impacts and the appropriate BMPs needed to support the changes. Most changes to the design and placement of the TI were minor and included slight refinements of fence type and footprint to meet operational requirements.

POST-CONSTRUCTION

Environmental Stewardship Summary Report – CBP conducted post-construction field surveys of biological and cultural resources and prepared an ESSR.

- April 2010 – *Environmental Stewardship Summary Report for the Construction, Operation, and Maintenance of Vehicle Fence and Related Tactical Infrastructure, Sections (b) (7)(E) and (b) (7)(E) Station and (b) (7)(E) Station, U.S. Border Patrol El Paso Sector, New Mexico.*

The ESSR provided the following information:

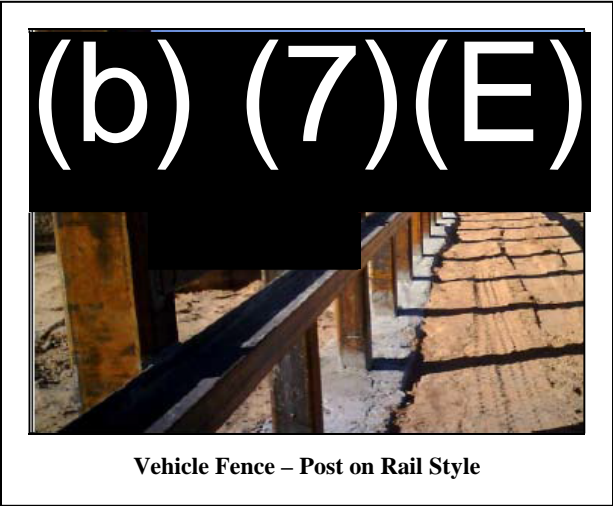
- Identification of the final locations of TI and acreages of areas impacted
- An environmental baseline for future TI maintenance and repair efforts
- Documentation of the overall adherence and successes of the BMPs during construction
- A record of the differences between the final locations and types of TI and those that were identified in the ESP.

CBP’s post-construction field surveys found that (b) (7)(E) acres of land were permanently disturbed from the installation of TI in these eight sections. **Table 2** summarizes the estimated pre-construction and actual post-construction permanent ground disturbance totals.

Table 2. Estimated Pre-Construction and Actual Post-Construction Permanent Ground Disturbance

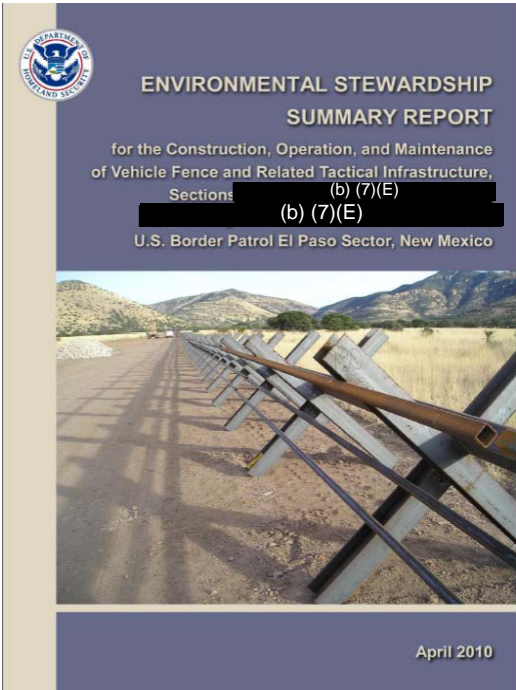
Construction Activity	Estimated Disturbance in Acres (linear miles)	Actual Disturbance in Acres (linear miles)	Difference in Acres (linear miles)
Fence and Construction/Maintenance Road Corridor	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)
Construction Access Roads	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)
Construction Staging Areas	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)
Total Impacts	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)

The overall reduction in disturbed area is attributed to a reduction in the width of the fence and construction/maintenance road corridor and the construction access roads. Approximately 18 percent of the area proposed for the fence and construction/maintenance road corridor and 17 percent of the area proposed for construction access roads were not needed, and therefore, were not disturbed.



Additionally, CBP’s post-construction field surveys concluded the following:

- No impacts on cultural resources occurred.
- Approximately (b) (7)(E) acres of wetlands were filled with rip-rap during construction. Dozens of ephemeral streams were identified prior to construction and monitored during construction to ensure that adverse impacts did not occur.
- Approximately (b) (7)(E) acres of soil were disturbed, a reduction of (b) (7)(E) acres from what was predicted in the ESPs.



- Three federally listed animal species were adversely impacted. There were no impacts on federally listed plant species or critical habitats of federally listed plants or federally listed animals. **Table 3** illustrates that the actual impacts were considerably lower than what was anticipated prior to construction.

**Table 3. Estimated Pre-Construction and Post-Construction Impacts on Federally Listed Species**

Method for Species Counts	Animals		Plants	
	Species	Critical Habitat	Species	Critical Habitat
Federally listed species and suitable habitat identified in the Biological Resources Plans	6	0	0	0
Federally listed species observed during pre-construction surveys <sup>a</sup> or construction monitoring <sup>b</sup> within the project area	1 <sup>c</sup>	0	0	0
Federally listed species and suitable habitat impacted by construction	3	0	0	0

Notes: <sup>a</sup> Based on the proposed project area <sup>b</sup> Based on surveys and monitoring of revised project areas <sup>c</sup> Unconfirmed sighting of an Aplomado falcon

### **STAKEHOLDER OUTREACH ACTIVITIES**

Throughout all phases of this project, CBP continuously reached out to stakeholder organizations and regulatory agencies to incorporate their input as potential environmental impacts were identified, evaluated, and mitigated, as necessary. Outreach efforts included the following:

- **Open House** – The general public was invited to receive information and provide comments at an open house event on May 19, 2008 at The Mimbres Valley Learning Center in Deming, New Mexico.
- **Incorporation of Comments** – CBP solicited comments from the following:
  - Federal, state, and municipal government agencies
  - Non-government organizations
  - Native American tribes
  - Stakeholder organizations
  - Private individuals.

For these TI sections, seven comments were received, considered, and incorporated into the ESPs by CBP.

- **Government Agency Coordination** – CBP directly coordinated with government agencies including the following:
  - U.S. Section, International Boundary and Water Commission
  - U.S. Army Corps of Engineers
  - U.S. Fish and Wildlife Service
  - U.S. Bureau of Land Management.

The information received from the outreach efforts resulted in numerous changes to the project, including the location of construction access roads, placement of construction staging areas, and design of fence components in order to minimize potential environmental impacts.

### **CONTRIBUTING VF300 PROGRAM PARTNERS**

To accomplish the 2006 Congressional mandate for the DHS/CBP to construct approximately 700 miles of border fence along the U.S./Mexico International Border by the end of December 2008, the DHS enlisted the assistance and expertise of interagency departments and other governmental agencies to provide management and subject matter experts for environmental stewardship, construction, real estate acquisition, and contracting tasks. Contributing partners include the following:

- Office of Border Patrol
  - El Paso Sector
- U.S. Army Corps of Engineers
  - Fort Worth District
  - Albuquerque District.

### **CONTINUING ISSUES**

CBP's post-construction surveys identified no remaining issues that need to be resolved. CBP remains committed to environmental stewardship and will continue to monitor the TI sections for potential additional issues.